

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

-----x

SUCCESSFACTORS, INC., a Delaware
corporation,

Plaintiff,

Case No.

vs.

CV 08 1376 CW (BZ)

SOFTSCAPE, INC., a Delaware
corporation; DOES 1-10, inclusive,
Defendants.

-----x

VIDEOTAPED DEPOSITION OF DAVID V. WATKINS, a
witness called by and on behalf of the Plaintiff,
taken pursuant to Rule 30 of the Federal Rules of
Civil Procedure, before James A. Scally, RMR, CRR, a
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Bromberg & Sunstein
LLP, 125 Summer Street, Boston, Massachusetts, on
Thursday, May 29, 2008, commencing at 9:16 a.m.

1 A. I don't recall the specific date.

2 Q. It was after the litigation?

3 A. It was after the litigation, that's correct.

4 Q. And, likewise, the removal of the Softscape -- I'm
5 sorry -- removal of the SuccessFactors template and
6 trademark, that happened after the litigation?

7 A. You're talking about the removal of the logo?

8 Q. Yes.

9 A. We removed the logo after the litigation, that's
10 correct.

11 Q. So let's call that document that is presently
12 there in that condition the post-litigation version, okay?

13 A. Okay.

14 Q. All right. What -- is Exhibit 5's attached
15 PowerPoint the most recent pre-litigation version that
16 exists on the SRC site?

17 A. I think Exhibit 5 is a PowerPoint that was
18 attached from Christopher Faust to Steve. So to the best
19 of my knowledge, that's what I can represent. Whether this
20 was on the physical SRC site, the sales resource center, I
21 don't know.

22 Q. Let's leave the SRC out of it. Is the PowerPoint
23 attached as Exhibit 5 the most recent pre-litigation
24 version of The Naked Truth document that exists in
25 PowerPoint form on any Softscape media?

1 A. I don't know specifically.

2 MR. PULGRAM: Counsel, I'd like you
3 to get the witness straight on that
4 information, given what's been represented
5 to us. We'd also like to get immediate
6 production of the post-litigation version
7 and any other versions that exist on the
8 site.

9 MR. DAVIDS: I'll certainly --

10 MR. PULGRAM: Let's look at -- I'm
11 sorry. Go ahead.

12 MR. DAVIDS: Go ahead. Go.

13 BY MR. PULGRAM:

14 Q. Let's look at Exhibit No. 4. This is the pdf
15 version that you sent to Jayna Smith at 8:12 on March 3rd.
16 Would you look, please, at the last page of Exhibit 4. Do
17 you know what that is?

18 A. That's the properties for a file.

19 Q. And what does it describe the properties for this
20 pdf of The Naked Truth as being?

21 A. Well, if you represent that this particular
22 properties document that you created represents this file,
23 then what it says is the title, "SuccessFactors - The Naked
24 Truth (Compatibility Mode)," author D. Watkins.

25 Q. And does it show --

1 him.

2 MR. PULGRAM: -- you and he can
3 review it. You may. Subject to the
4 provision that this will otherwise be
5 attorneys' eyes only.

6 MR. DAVIDS: Agreed.

7 BY MR. PULGRAM:

8 Q. You mentioned earlier a customer campaign. Can
9 you explain to me the origin of that customer campaign
10 relating to SuccessFactors?

11 A. The origin would have been our inside sales
12 manager, and it was amongst other people, but making plans
13 for how to actually focus on the market.

14 Q. And what was the idea of this campaign?

15 A. What was the idea? To acquire more business.

16 Q. How?

17 A. By calling customers.

18 Q. And what was the structure of the campaign?

19 A. To call customers and ask them if they wanted to
20 buy from Softscape, were things going okay.

21 Q. When did this happen?

22 A. Are you talking about the specific time period of
23 2008?

24 Q. Yes.

25 A. I believe it happened in the January/February/

1 March time frame.

2 Q. Can you be more specific, please?

3 A. No, I can't.

4 MR. PULGRAM: I don't have time to
5 address all of that right now, so I want to
6 shift for a moment to New Millennium Shoe.
7 We will come back to the customer campaign
8 either tomorrow or when we have the rest of
9 the documents about it.

10 Q. What is New Millenium Shoe?

11 A. It's a shoe store.

12 Q. Store?

13 A. Correct.

14 Q. One store?

15 A. It was three retail stores. Two and a half retail
16 stores.

17 Q. Where is it located?

18 A. It's located -- it was located in Puerto Rico.

19 Q. It's now one store?

20 A. It's actually now -- we've closed the retail
21 operations.

22 Q. Is there any operation remaining?

23 A. There's still -- there's still a legal entity.

24 Q. There's a legal entity without operations?

25 A. Correct. Without the retail stores.

1 COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

2
3 I, JAMES A. SCALLY, RMR, CRR, a Certified
4 Shorthand Reporter and Notary Public duly commissioned and
5 qualified in and for the Commonwealth of Massachusetts, do
6 hereby certify that there came before me on the 29th day of
7 May, 2008, at 9:16 a.m., the person hereinbefore named,
8 DAVID V. WATKINS, who provided satisfactory evidence of
9 identification as prescribed by Executive Order 455 (03-13)
10 issued by the Governor of the Commonwealth of
11 Massachusetts, was by me duly sworn to testify to the truth
12 and nothing but the truth of his knowledge concerning the
13 matters in controversy in this cause; that he was thereupon
14 examined upon his oath, and his examination reduced to
15 typewriting under my direction; and that this is a true
16 record of the testimony given by the witness to the best of
17 my ability.

18 I further certify that I am neither
19 attorney or counsel for, nor related to or employed by, any
20 of the parties to the action in which this deposition is
21 taken, and further, that I am not a relative or employee of
22 any attorney or counsel employed by the parties hereto or
23 financially interested in the action.

24 My Commission Expires: April 23, 2015

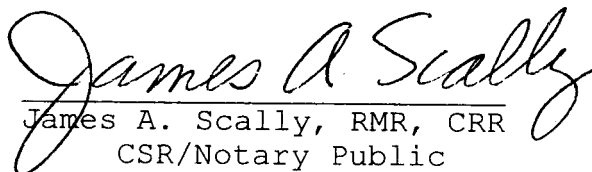
25

James A. Scally, RMR, CRR
CSR/Notary Public

EXHIBIT 5

From: Michelle Davis
Sent: Tuesday, March 04, 2008 6:45 PM
To: Matthew Park
Subject: RE: SuccessFactors - The Naked Truth.pdf - Adobe Acrobat Professional
Wow – I needed this.....

-----Original Message-----

From: Matthew Park
Sent: Tuesday, March 04, 2008 3:22 PM
To: Michelle Davis
Subject: FW: SuccessFactors - The Naked Truth.pdf - Adobe Acrobat Professional

Matt Park
Vice President, Sales
Office: 508-401-1306
Cell: 508-380-1301
<http://www.softscape.com>
mpark@softscape.com

From: Dave Watkins
Sent: Monday, March 03, 2008 2:27 PM
To: 'Christopher Faust'; Matthew Park
Subject: SuccessFactors - The Naked Truth.pdf - Adobe Acrobat Professional

EXHIBIT 6

From: Dave Watkins <dwatkins@softscape.com>
Sent: Tuesday, March 11, 2008 9:52 AM
To: Kurzner, Larry <larry.kurzner@accenture.com>
Subject: Follow up - am in meetings

Larry:

I am sorry I have not spoken to you as I wanted to catch up and have customers in the office. Although I am in a meeting I wanted to reach out. To set you up for success, I needed all parties to be on board and we are not in alignment. I am disappointed that after all our communication that I have failed to get several people to sponsor your role. Therefore, it is with great regret that I cannot move hire you at this time. I will reach out and call YOU.

Dave Watkins Founder,
CEO Softscape,
Incorporated

Softscape

One Softscape Place
526 Boston Post Road
Wayland, MA 01778

+ 1 508 358 1072 x1300 (Office)

+ 1 617 835 8835 (Cell)

+ 1 508 358 3072 07824646245 (UK Local Cell)

A dave@softscapp COM

www.softscape.com

Atlanta | Bangkok Boston ~ Chicago ~ Connecticut 1 Dallas Hong Kong Johannesburg London New York San Francisco Sydney | Washington DC

Softscape Recognized by Forrester as one of the only vendors that can **claim** to have the "four pillars" of Strategic HCM - Performance, Learning, Rewards and Recruitment and "**Softscape** has done a good job in assembling a full **strategic HCM** suite"

For more, please see the press release at http://www.softscape.com/us/pr2007/pr_07_04-16_Forrester-tm.htm

EYES ONLY

LKH0000001

EXHIBIT 7

From: Mailbox - Dennis Martinek
Sent: Wednesday, March 05, 2008 9:33 AM
To: Hilary Ives
Subject: FW: SuccessFactors Failures and Problems

Attachments: SuccessFactors_Failures_and_Problems.pdf

-----Original Message-----

From: Latta, Alva [mailto:ALatta@harriswilliams.com]
Sent: Wednesday, March 05, 2008 9:16 AM
To: Dennis Martinek
Subject: FW: SuccessFactors Failures and Problems

Alva L. Latta
Finance Director
Harris Williams & Co.
1001 Haxall Point, 9th Floor
Richmond, VA 23219
Phone: 804-648-0072
Direct: 804- 915-0139
Fax: 804-648-5544
www.harriswilliams.com

-----Original Message-----

From: John Anonymous [mailto:hcmknowledge2008a@gmail.com]
Sent: Tuesday, March 04, 2008 9:52 PM
To: hcmknowledge2008a@gmail.com
Subject: SuccessFactors Failures and Problems

If you are thinking about purchasing from SuccessFactors, please read the following document; it provides information about Successfactors which they do not want you to know.

This e-mail message and any attachments are confidential and are intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender. Thank you for your cooperation.
